

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 293

AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 16-39-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 10. Disclosure of Protected Health Information

Sec. 1. As used in this chapter, "covered entity" has the meaning set forth in 45 CFR 160.103 as in effect on November 4, 2004.

Sec. 2. As used in this chapter, "law enforcement official" has the meaning set forth in 45 CFR 164.501 as in effect on November 4, 2004.

Sec. 3. As used in this chapter, "protected health information" has the meaning set forth in 45 CFR 160.103 as in effect on November 4, 2004.

Sec. 4. A covered entity may disclose the following protected health information to a law enforcement official who requests the protected health information for the purpose of identifying or locating a missing person:

- (1) Contact information, including family, personal representative, and friends of the individual.
- (2) Previous addresses of the individual and the individual's family, personal representative, and friends.

SECTION 2. [EFFECTIVE JULY 1, 2005] (a) The state department of health shall, not later than September 1, 2005, request that the Secretary of the United States Department of

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Health and Human Services make a determination under 45 CFR 160.204 that IC 16-39-10, as added by this act, is not preempted by 45 CFR 164 because an intrusion into privacy that may result from implementing this chapter is warranted when balanced against a compelling state interest, including a public health, safety, or welfare need to identify or locate a missing person.

(b) Upon receiving a determination from the Secretary concerning a request made under subsection (a), the state department of health shall:

- (1) publish the determination on the state department's Internet web site; and
- (2) forward the results of the determination to:
 - (A) the licensing authority for each covered entity;
 - (B) each law enforcement agency in Indiana; and
 - (C) the executive director of the legislative services agency.
- (c) This SECTION expires December 31, 2008.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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